

ORDINANCE NO. 35

CLEVELAND COUNTY, NORTH CAROLINA
NUMBER 35 ORDINANCE

Adopted June 25, 1992

By the
Cleveland County Commissioners

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CASSILO COUNTY WASTEWATER ORDINANCE

ARTICLE I - GENERAL PROVISIONS

Section 1 - Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for Cassiolo County, hereafter referred to as the County, and enables the County to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introductions of pollutants into the Treatment Works which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the Treatment Works which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewater and sludges from the system;
- (d) To protect both personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the Treatment Works; and
- (f) To ensure the County complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws which the Treatment Works is subject to.

This ordinance provides for the regulation of direct and indirect contributors to the Treatment Works, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the County and to persons outside the County, who are, by permit or agreement with the County, users of the County's treatment works. Except as otherwise provided herein, the Treatment Works Director shall administer, implement, and enforce the provisions of this ordinance. By discharging wastewater into the Treatment Works, industrial users located beyond the County limits agree to comply with the terms and conditions

established in this ordinance, as well as any permits or orders issued hereunder.

Section 2 - Definitions and Abbreviations

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- (1) Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority - The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources or his designee.
- (3) Authorized Representative of the Industrial User -
 - (1) If the industrial user is a corporation, authorized representative shall mean:
 - A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - B) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (II) If the industrial user is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.
 - (III) If the industrial user is representing Federal, State, or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
 - (IV) The individuals described in paragraphs I-III above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the county.

- (4) Biochemical oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer - A sewer conveying wastewater from the premises of a User to the Treatment Works.
- (6) Categorical Standards - National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) Cooling Water - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (8) Control Authority - The Caswell County Manager or his duly authorized representative.
- (9) County - Caswell County, Owner of the Treatment Works.
- (10) Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.
- (11) Environmental Protection Agency, or EPA - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (12) Grab Sample - A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (13) Holding Tank Waste - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (14) Indirect Discharge - The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the Treatment Works (including holding tank waste discharged into the system).
- (15) Industrial User - Any person who introduces pollutants into a POTW or Treatment Works, from any non-domestic source regulated under the Act, State law, or local ordinance.
- (16) Interference - The inhibition, or disruption of the Treatment Works treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Treatment Works NPPES or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits.

The term includes prevention of sewage sludge use or disposal by the Treatment Works in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanitary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plant prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Treatment Works.

(17) National Categorical Pretreatment Standard or Categorical Standard - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

(18) National Prohibitive Discharge Standard or Prohibitive Discharge Standard - Any regulation developed under the authority of 307(b) or the Act and 40 CFR, Section 403.5.

(19) New Source -

- (1) Any source of a discharge, the construction or operations of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) (33 U.S.C. 1317(c)) of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307(c), provided that:
 - (A) no other source is located at that site; or
 - (B) the source completely replaces the process or production equipment of an existing source at that site; or
 - (C) the new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.
- (II) For purposes of this definition, construction or operation has commenced if the owner or operator has:
 - (N) Begun, or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal or existing buildings,

structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial obligation under this definition in accordance with that Section with the provisions as stated in 40 CFR 403.3 (K).

20. National Pollution Discharge Elimination System or NPDES Permit - A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.

21. Non-discharge Permit - A disposal system permit issued by the State pursuant to NCSS 143-215.1.

22. Non-domestic Pollutants - Any substances other than human excrement and household gray water (shower, dishwashing operations, etc.). Non-domestic pollutants include the characteristics of the wastewater (i.e., including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

23. Pass Through - A discharge which exits the Treatment Works into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation of the Treatment Work's NPDES or Non-discharge Permit, or a downstream water quality standard.

24. Person - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

25. pH - A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

26. Pollutant - Any "waste" as defined in NCSS 143-213 (13) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

27. POTW - Publicly owned treatment works (POTW) as defined by section 212 of the Act, (33 U.S.C. 1292), owned and operated by the City of Danville, Virginia. This definition includes any sewers that convey

- wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City of Danville, Virginia, who are by contract or agreement with the City of Danville, Virginia, users of the City's POTW.
28. Treatment Works Director - Caswell County Manager.
29. Pretreatment or Treatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Treatment Works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR section 403.6(d).
30. Pretreatment Program - The program for the control of pollutants introduced into the Treatment Works from non-domestic sources which was developed by the County in compliance with 40 CFR 403.8 and approved by the Approval Authority as authorized by NCGS 143-215.3(a) (14) in accordance with 40 CFR 403.11 and as authorized by N.C.G.S. 143-215.3(a) (14).
31. Pretreatment Standards and Requirements - Any substantive or procedural requirement related to pretreatment, including National Pretreatment Categorical Standards and prohibitive discharge standards imposed on an industrial user.
32. Treatment Works - A treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by Caswell County. This definition includes any sewers that convey wastewater to the wastewater treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "Treatment Works" shall also include any sewers that convey wastewater to the Treatment Works from persons outside the County who are, by contract or agreement with the County, users of the County's Treatment Works.
33. Wastewater Treatment Plant (WWTP) - That portion of the Treatment Works designed to provide treatment to wastewater, owned and operated by Caswell County, North Carolina.
34. Sewer or Sewer System - That portion of the POTW or Treatment Works designed to convey wastewater to the POTW or Treatment Works WWTP.
35. Significant Industrial User - Any Industrial User of the wastewater disposal system who (i) has an average daily process wastewater flow of 50,000 gallons or more, or (ii) contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or

- (iii) is required to meet a National Categorical Pretreatment Standard, or (iv) is found by the County, the Division of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
36. Significant Noncompliance - A status of noncompliance equivalent to reportable noncompliance as defined in 15A NCAC .0903(b)(10).
37. Slug Load - Any pollutant (including BOD) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in Section 2.1 of this ordinance and is a non-routine, episodic nature, including but not limited to an accidental spill or a non-custodial batch discharge.
38. Standard Industrial Classification (SIC) - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
39. Storm Water - Any flow occurring during or following any form of natural precipitation and resulting therefrom.
40. Suspended Solids - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
41. Superintendent - The person designated by the County to supervise the operation of the treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.
42. Toxic Pollutant - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
43. Virginia Pollution Discharge Elimination System or VPDES Permit - A permit issued pursuant to Section 402 of the Act in the Commonwealth of Virginia who has been delegated administration authority of the NPDES permit system for Virginia.
44. User - Any person who contributes, causes or permits the contribution of wastewater into the County's Treatment Works including persons who contribute such wastes from mobile sources.
45. Wastewater - The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present,

whether treated or untreated, which is contributed into or permitted to enter the Treatment Works. Wastewater shall also mean the spent or used water of a community or industry which contains dissolved and suspended matter.

46. Water Pollution - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
47. Waters of the State - All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

48. Wastewater Permit - As set forth in section 4.2 of this ordinance. This ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(p) The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand
- (2) CFR - Code of Federal Regulations
- (3) COD - Chemical Oxygen Demand
- (4) EPA - Environmental Protection Agency
- (5) gpd - Gallons per day
- (6) 1 - Litter
- (7) mg - Milligrams
- (8) mg/l - Milligrams per liter
- (9) NCGR - North Carolina General Statutes
- (10) NPSRS - National Pollution Discharge Elimination System
- (11) OEM - Operation and Maintenance
- (12) SIC - Standard Industrial Classification
- (13) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
- (14) USC - United States Code
- (15) TSS - Total Suspended Solids
- (16) TN - Total Kjeldahl Nitrogen

ARTICLE II - REGULATIONS OR PROCESSES TO DAWVILLE POW

Section 1 - Industrial Discharge of Wastewater Into Certain County Sewer and Sewer Systems Prohibited

It shall be unlawful for any industrial user to discharge wastewater into any sewer or sewer system in this County which is connected to the sewer system of the City of Danville, Virginia, which would result in that wastewater ultimately being received into the City of Danville's publicly owned treatment works (POW).

Section 2 - Other Prohibited Discharges

It shall be unlawful for any person to discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation and/or performance of any sewer or sewer system in the County or the Publicly Owned Treatment Works (POW) of the City of Danville, Virginia. These general prohibitions apply to all users whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. A user shall not contribute the following substances to any sewer or sewer system in the County which is connected to the City of Danville's sewer system so that it will ultimately be received by the City of Danville's Publicly Owned Treatment Works (POW):

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the City's POW, including, but not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
- (2) Solid or viscous substances which may cause obstruction to the flow in any sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in a dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than 5.0, as determined on a grab sample of the waste stream, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the City's POW.

- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, and therefore, constitutes a hazard to humans or animals, create a toxic effect in the receiving waters of the City's POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (6) Any substance which may cause the City's POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the City's POTW cause the City's POTW to be in noncompliance with the sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of The Federal Water Pollution Control Act, as amended, by the Clean Water Act and the Water Quality Act of 1987, 33 U.S.C. 1251, et seq.; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the City's POTW to violate its VPDs permit or the receiving water quality standards.
- (8) Any wastewater, liquid, or vapors having a temperature higher than 65°C (150°F), but in no case wastewater at the City's POTW treatment plant which exceeds 40°C (104°F).
- (9) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the City's POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation.
- (10) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by state and/or federal law or as may exceed limits established by the City of Danville in compliance with applicable Virginia, North Carolina, and/or federal law.

- (11) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (12) Any significant quantity of single pass cooling water, rain water, stormwater, groundwater, roof drainage, street drainage, yard drainage, water from yard foundations, ponds, lawn sprays, or other unpolluted water.
 - (13) Any water added for the purpose of diluting wastewater which would otherwise exceed applicable maximum contamination limitations for any wastewater contaminants specified elsewhere in this ordinance.
 - (14) Any excessive amounts of deionized water, steam condensate, and distilled water, or blow-down and bleed water from cooling towers or evaporative coolers exceeding one-third of the makeup water.
 - (15) Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts exceed 100 mg/l or that will cause interference or pass-through by the City's ROW.
 - (16) Any discharges of trucked or hauled pollutants.
 - (17) Pollutants which result in the presence of toxic gases, vapors or fumes within the City's ROW in a quantity that may cause acute worker health and safety problems.
- Section 3 - Limited Discharges**
- (a) The following described substances, materials, waters, or waste shall be limited in discharges into any sewer or sewer system in the county which is connected to the sewer system of the City of Danville, Virginia, to concentrations or quantities which will not harm the sewers or the City of Danville, Virginia's wastewater treatment facilities, will not have an adverse effect on the receiving stream and will not otherwise endanger public property or constitute a nuisance:
- (1) Strong waste shall mean any wastewater containing more than three hundred (300) milligrams per liter of BOD or more than three hundred (300) milligrams per liter of suspended solids or other characteristics in concentrations not normally found in wastewater from residential or commercial buildings.
 - (2) Waste containing nonbiodegradable fats, wax, grease or oils, whether emulsified or not, or containing substances which may precipitate, solidify, or become viscous at temperatures between 50° F and 104° F (10°C and 40°C).
 - (3) Waste containing garbage that has been properly shredded so it will pass-through a one-half inch screen.

(4) Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).
 - c. Unusual BOD or COD in such quantities that may upset the city of Danville's wastewater treatment processes.
 - d. Unusual volume of flow or concentration of wastes constituting slugs.
 - e. Unusual amounts of scum and/or foam that may interfere with the operation of the City of Danville's wastewater treatment facilities or cause undue additional labor in connection with handling the substance.
 - f. Use of excessive quantities of chlorine to be used for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other waste entering the plant.
- (5) Overflow from holding tanks or other receptacles storing organic waste, septic tank waste, and other waste from contract haulers.
- (6) Caustic wastes having a high pH which causes damage to the sewer system or causes the treatment plant influent to exceed 10.0.
- (7) Concentrations of constituents listed in local limits established by the City of Danville, Virginia, in accordance with EPA guidance manuals and procedures for developing local discharge limits for a pretreatment program. Such discharge limits promulgated by the City of Danville, Virginia, may be modified from time to time when deemed necessary to comply with the objectives of this chapter.
- (D) The EPA or the Commonwealth of Virginia or the States of North Carolina may set more stringent limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream of the wastewater treatment facility discharge. In that event, the most restrictive limitations shall apply.

Section 4 - Grease, oil, and sand interceptors

With reference to wastewater which will ultimately be received by the city of Danville's Publicly Owned Treatment Works (POTW), grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the City of Danville, Virginia, and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining the interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured materials and shall maintain records of disposal which shall be subject to review by the County and the City of Danville, Virginia. Any removal and hauling of collected materials not performed by the owner's personnel must be performed by licensed waste disposal firms. Inspection and reviews of operating and maintenance records for these facilities shall be performed by the County's sanitary sewers maintenance supervisors and other authorized representatives of the City of Danville, Virginia.

Section 5 - Notification

All users of any County sewer or sewer system which is connected to the City of Danville's sewer system, shall notify the City of Danville's POTH treatment plant immediately by telephone or in person, of any wastewater discharges into the City's POTW that are in violation of Sections 1, 2, 3, and 4, whether accidentally or otherwise. Such notification shall include the location of discharge, type of waste, concentrations of pollutants, volume, and corrective actions taken or proposed to stop violation.

Section 6 - Contract Haulers

It shall be unlawful for any contract hauler to discharge any wastewater into any County sewer or sewer system which is connected to the sewer system of the City of Danville, Virginia, so that wastewater will ultimately be received by the City of Danville's Publicly Owned Treatment Works. For purposes of this section, the term contract hauler shall mean any person that under contract hauls wastewater by tank trucks and empties such wastewater into any sewer or sewer system in the County which is connected to the sewer system of the City of Danville, Virginia, and is ultimately received by the City's Publicly Owned Treatment Works (POTW) for disposal and treatment.

ARTICLE III - RECLAMATIONS OR DISCHARGE TO CASWELL COUNTY TREATMENT WORKS**Section 1 - Prohibited Discharge Standards**

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Interference or Pass Through. These general prohibitions apply to all Users of a Treatment Works whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements. Furthermore, no user shall contribute the following substances to any Treatment Works:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Treatment Works or to the operation of the Treatment Works. Included in this prohibition are wastestreams with a closed cup flashpoint of less than 140°F (60°C). At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- (b) Solid or viscous substances in amounts which will cause interference with the flow in a sewer but in no case solids greater than one half inch (1/2" centimeters) in any dimension.
- (c) Any fats or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (d) Any wastewater having a pH less than 5.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Treatment Works.
- (e) Any wastewater containing pollutants in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to pass through or interfere with the Treatment Works wastewater treatment system, any wastewater treatment or sludge process, or constitutes a hazard to humans or animals.
- (f) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (g) Any substance which may cause the Treatment Works effluent or any other product of the Treatment Works such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the Treatment Works

cause the Treatment Works to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- (n) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the Treatment Works NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- (o) Any wastewater having a temperature greater than 150°F (55°C), or which will inhibit biological activity in the Treatment Works Wastewater Treatment Plant resulting in Interference, but in no case wastewater with the temperature at the introduction into the Treatment Works to exceed 104°F (40°C).
- (p) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Treatment Works Director in compliance with applicable State or Federal regulations.
- (q) Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.
- (r) Any trucked or hauled pollutants, except at discharge points designated by the Treatment Works Director.
- (m) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Treatment Works Director.
- (n) Any industrial wastes containing floatable fats, waxes, grease or oils, or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season; but in no case, industrial wastewater containing more than 100 mg/l of emulsified oil or grease.
- (o) Nonbiodegradable cutting oils, commonly called soluble oils, which form a persistent water emulsion, and nonbiodegradable complex carbon compounds.
- (p) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

- (g) Any medical wastes, except as specifically authorized by the Treatment Works Director in a wastewater contribution permit.
- (r) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (s) Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the Treatment Works Director or Superintendent.
- (t) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (u) Recognizable portions of the human or animal anatomy.
- (v) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the Treatment Works Director or Superintendent determines that a User(s) is contributing to the Treatment Works any of the above enumerated substances in such amounts which may cause or contribute to Interference of Treatment Works operation or pass through, the Superintendent shall: 1) Advise the User(s) of the potential impact of the contribution on the Treatment Works in accordance with Section 5.1; and 2) Take appropriate actions in accordance with Section 4 for such User to protect the Treatment Works from Interference or Pass Through.

Section 2 - Federal Categorical Pretreatment Standards

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

Section 3 - Specific Pollutant Limitations

To implement the general and specific discharge prohibitions listed in this Ordinance. Industrial User-specific local limits will be developed ensuring that the Treatment Work's maximum allowable headworks loading is not exceeded for particular pollutants of concern for each Industrial User. Where specific local limits are not contained for a given parameter or pollutant in an Industrial User permit, the following limits will apply to all users: (Note:

The following are typical domestic levels for the parameters recommended or required by EPA for local limits development. DEM recommends that you substitute values for these parameters and add pollutants of concern and corresponding values based upon your industrial waste survey and headwaters analysis.)

500	mg/l	BOD
500	mg/l	TSS
40	mg/l	TKN
5.0-10.0	mg/l	pH
100	mg/l	Hydrocarbon Oil/Grease (must be emulsified)
0.003	mg/l	arsenic
0.003	mg/l	cadmium
0.061	mg/l	copper
0.041	mg/l	cyanide
0.049	mg/l	lead
0.0003	mg/l	mercury
0.021	mg/l	nickel
0.005	mg/l	silver
0.05	mg/l	total chromium
0.175	mg/l	zinc

Industrial User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards.

Section 4 - State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

Section 5 - Right of Revision

The County reserves the right to establish limitations and requirements which are more stringent than those required by either state or Federal regulation if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance or the general and specific prohibitions in Section 2.1 of this Ordinance, as is allowed by 40 CFR 403.4.

Section 6 - Dilution

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the County or State.

Section 7 - Accidental and/or Slug Load Discharges

Each User shall provide protection from accidental and/or slug load discharges of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental and/or slug load discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The Treatment Works Director may require the user to develop a slug control plan which outlines discharge practices (including nonroutine batch discharges); describes stored chemicals; and contains procedures both to notify the Treatment Works immediately of accidental spill (i.e., Operations and Maintenance (O&M), general housekeeping, or training). The sludge control plan shall be submitted to the County for review, and shall be approved by the County before construction of the facility or by the deadline established by the Treatment Works Director for existing users. Review and approval of such plans shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental and/or slug load discharge, it is the responsibility of the user to immediately notify the Treatment Works by telephone of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice - Within five (5) days following an accidental and/or slug load discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Treatment Works, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees: A notice shall be permanently posted on the User's bulletin board, or other prominent place, advising employees who to call in the event of an accidental and/or slug load discharge. Employers shall ensure that all appropriate employees are advised of the emergency notification procedure.

ARTICLE IV - FEESSection 1 - Purpose

It is the purpose of this section to provide for the recovery of costs from users of the County's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the County's Schedule of Charges and Fees available from the Finance Director or County Clerk.

Section 2 - User Charges

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the Treatment Works.

- (a) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the Treatment Works.
- (b) Each user shall pay its proportionate cost based on volume of flow.
- (c) The County Manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the Treatment Works and will make recommendations to the County Commissioners for adjustments in the Schedule of Charges and Fees as necessary.
- (d) Charges for flow to the Treatment Works not directly attributable to the users shall be distributed among all users of the Treatment Works based upon the volume of flow of the users.

Section 3 - Surcharges

All industrial users of the Treatment Works are subject to industrial waste surcharges on discharges which exceed the following levels:

250 mg/l BOD
250 mg/l TSS

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the Schedule of Charges and Fees.

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

- (1) Metered water consumption as shown in the records of meter readings maintained by the County; or

- (2) If required by the County or at the individual discharges option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
- (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.

(b) The character and concentration of the constituents of the wastewater use in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(c) The determination of the character and concentration of the constituents of the wastewater discharge by the Treatment Works Director or his duly appointed representatives shall be binding as a basis for charges.

Section 4 - Pretreatment Program Administration Charges

The Schedule of Charges and Fees adopted by the County may include charges and fees for:

- (a) reimbursement of costs of setting up and operating the Pretreatment Program;
- (b) monitoring, inspections and surveillance procedures;
- (c) reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (d) permitting;
- (e) other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

ARTICLE V - ADMINISTRATION**Section 1 - Wastewater Discharge**

It shall be unlawful for any person to connect or discharge to the Treatment Works without first obtaining the permission of Cassall County.

Section 2 - Wastewater Permits

All Significant Industrial Users shall obtain a Significant Industrial User permit prior to the commencement of discharge to the Treatment Works. Existing Industrial Users who are determined by the Treatment Works Director to be Significant Industrial Users shall obtain a Significant Industrial User permit within 180 days of receiving notification of the Treatment Works Director's determination. Industrial Users who do not fit the Significant Industrial User criteria may at the discretion of the Treatment Works Director be required to obtain a wastewater contribution permit for non-significant industrial users.

- (a) **Significant Industrial User Determination** - All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Treatment Works Director a Significant Industrial User determination. If the Treatment Works Director determines or suspects that the proposed discharge fits the Significant Industrial User criteria, he will require that a significant Industrial User permit application be filed.
- (b) **Significant Industrial User Permit Application** - Users required to obtain a Significant Industrial User Permit shall complete and file with the County, an application in the form prescribed by the Treatment Works Director, and accompanied by an application fee in the amount prescribed in the Schedule of Charges and Fees. Significant Industrial Users shall apply for a Significant Industrial User Permit within 90 days after notification of the Treatment Works Director's determination in 4.2(a) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address, and location, (if different from the address);
 - (2) Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
 - (3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Article II of this Ordinance, any of the priority pollutants (Section 307(a) of the Act), which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the Treatment Works, sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

- (4) Time and duration of the indirect discharge;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be accidentally or intentionally discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable pretreatment Standards;
- (9) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.
 - (11) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Treatment Works Director.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (averages and maximum per day);
- (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

- (13) If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCGC 2H .0908(a);
- (14) Any necessary certification and/or signatory requirement as outlined in 40 CFR 403.12(l);
- (15) Any other information as may be deemed by the Treatment Works Director to be necessary to evaluate the permit application.

The Treatment Works Director will evaluate the data furnished by the user and may require additional information.

(c) Application Review and Evaluation

- (1) The Treatment Works Director is authorized to accept applications for the County and shall refer all applications to the Treatment Works staff for review and evaluation.

- (2) Within 30 days of receipt the Treatment Works Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(d) Tentative Determination and Draft Permit

- (1) The Treatment Works staff shall conduct a review of the application and on-site inspection of the significant Industrial User, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the Significant Industrial User permit.
- (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

- (3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the County's general permit conditions into a Significant Industrial User permit.

(e) Permit Synopsis

A fact sheet providing a brief synopsis of the application shall be prepared by the Treatment Works staff for submission to the applicant, the Approval Authority and made available to the public upon request. The contents of such fact sheets shall include at least the following information:

- (1) a sketch or detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the Treatment Works and all established compliance monitoring points.
 - (2) a quantitative description of the discharge described in the application which includes at least the following:
 - (1) the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 - (11) the actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
 - (111) the basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.
- (f) Final Action on Significant Industrial User Permit Applications
- (1) The Treatment Works Director shall take final action on all applications not later than 90 days following receipt of a complete application.
 - (2) The Director is authorized to:
 - (1) issue a Significant Industrial User permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. 143-215.1;
 - (11) issue a Significant Industrial User permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (111) modify any permit upon not less than 60 days notice and pursuant to section 4.2(h) of this ordinance;
 - (iv) revoke any permit pursuant to section 5.1 of this ordinance;
 - (v) suspend a permit pursuant to section 5.1 of this ordinance;
 - (vi) deny a permit application when, in the opinion of the Treatment Works Director, such discharge may cause or

contribute to pass-through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(g) Hearings (Comment: The local government may utilize its regular hearing procedure).

- (1) **Adjudicatory Hearings** - An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, shall have the right to an adjudicatory hearing before a hearing officer designated by the Treatment Works Director upon making written demand, identifying the specific issues to be contended, to the Treatment Works Director within 30 days following receipt of the Significant Industrial User permit. Unless such demand is made, the decision on the application shall be final and binding. The conditions/requirements in the newly issued permit shall be in effect pending the adjudicatory hearing, unless the hearing officer rules that the specific conditions requirements in question should be stayed pending the outcome of the hearing.
- (2) **Appeal Hearings** - Any decision of a hearing officer made as a result of an adjudicatory hearing held under paragraph (1) above may be appealed, to the County Commissioners upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with Caswell County's regular hearing procedures.
- (3) Any person against whom a final order or decision of the County Commissioners is entered, pursuant to the hearing conducted under paragraph (2) above, may appeal from the order or decision, within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, to the Superior Court of Caswell County. Upon such appeal the County shall send a transcript certified by the County Board of all testimony and exhibits introduced before the Commissioners, the order or decision, and the notice of appeal to the superior court.

(h) Permit Modification

- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
 - (i) modifications of the monitoring program contained in the permit,
 - (ii) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (iii) a single modification of any compliance schedule not in excess of four months,

- (iv) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (2) Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2(b), the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard.

- (3) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. 143-215.1(b) for modifications.

(1) Permit Conditions

- (1) The Treatment Works Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (i) a statement of duration (in no case more than five years);
 - (ii) a statement of non-transferability;
 - (iii) applicable effluent limits based on categorical standards or local limits or both;
 - (iv) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law, and notification requirements for slug discharges as defined by 40 CFR Part 403.5(b) a; and,
 - (v) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

- (2) In addition, permits may contain, but are not limited to, the following:
- (1) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (11) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (111) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - (iv) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
 - (v) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 - (vi) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (vii) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (viii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (ix) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - (x) Compliance schedules for meeting pretreatment standards and requirements.
 - (xi) Requirements for submission of periodic self-monitoring or special notification reports.
 - (xli) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 4.2(k) and affording the Treatment Works Director, or his representatives, access thereto.

- (xlii) Requirements for prior notification and approval by the Treatment Works Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - (xlv) Requirements for the prior notification and approval by the Treatment Works Director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (xvi) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
 - (xvii) A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
 - (xviii) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations; the term of the permit.
- (j) Permits Duration**
- Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (k) Record Keeping**
- Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under 40 CFR 403.12(o). These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Superintendent.
- (l) Permit Transfer**
- Wastewater Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(n) Permit Reissuance

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.2 a minimum of 180 days prior to the expiration of the existing permit.

Section 3 - Monitoring Facilities

The County requires the User to provide and operate at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement or the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the County may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, an measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the County's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the County.

Section 4 - Inspection and Sampling

The County will inspect the facilities of any User to ascertain whether the purpose of the Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The County, Approval Authority and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the County, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 5 - Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance, wastewater permits issued under Section 4.2 of this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Treatment Works Director. Any facilities required to pretreat wastewater to a level acceptable to the County shall be provided, operated, and maintained at the User's

expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be acceptable to the Treatment Works Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Treatment Works Director prior to the user's initiation of the changes.

Section 6 - Confidential Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Treatment Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the Approval Authority and EPA upon request.

Section 7 - Notification of Discharge of Hazardous Wastes

The Industrial User shall notify in writing, the Treatment Works Director, the State, and EPA, of any discharge into the Treatment Works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with 40 CFR 403.12 (P).

ARTICLE VI - ENFORCEMENTSection 1 - Administrative Remedies(a) Notification of Violation

Whenever the Treatment Works Director finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the Treatment Works Director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the County by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the Notice of Violation.

(b) Consent Orders

The Treatment Works Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the non-compliance. Such orders will include specific action to be taken by the discharger to correct the non compliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order issued pursuant to Section 5.1(d), below.

(c) Show Cause Hearing

The Treatment Works Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this Ordinance or is in noncompliance with a wastewater contributor permit to show cause why a proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Treatment Works Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. The Treatment Works Director's final decision shall be to either proceed with the proposed enforcement action or to modify the action. Such modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenance shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(d) Administrative Orders

When the Treatment Works Director finds that an industrial user has violated or continues to violate this ordinance, permits or orders issued hereunder, or any other pretreatment requirement the Treatment Works Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- 1) Immediately comply with all requirements;
- 2) Comply in accordance with a compliance time schedule set forth in the order;
- 3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation.

(e) Emergency Suspensions

The Treatment Works Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the Treatment Works or causes the Treatment Works to violate any condition of its NPDES or Non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the Notice of Suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the Treatment Works Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the Treatment Works system or endangerment to any individuals. The Treatment Works Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Treatment Works Director prior to the date of the above-described hearing.

(f) Termination of Permit

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having its permit terminated:

- 1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- 2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

- 3) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- 4) Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 5.1 of this ordinance why the proposed action should not be taken.

Section 2 - Civil Remedies

Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, shall be fined up to (ten thousand dollars (\$10,000) for local governments; one thousand dollars (\$1,000) for sewer authorities) per day per violation. Such assessments may be added to the user's next scheduled sewer service charges and the Treatment Works shall have such remedies for the collection of such assessments as it has for collection of other service charges.

Section 3 - Judicial Remedies

If any person violates this ordinance, or any order or permit issued hereunder, or any other pretreatment requirement, the Treatment Works Director, through the County Attorney, may commence an action for appropriate legal and/or equitable relief in the General Court of Justice for Caswell County.

- (a) Criminal violations
 - (1) Any person who negligently violates any term, condition, or requirement of this ordinance and any person who negligently fails to apply for or to secure a permit required by N.C.G.S. 143-215.1 shall be guilty of a misdemeanor punishable by a fine not to exceed fifteen thousand dollars (\$15,000) per day of violation, provided that such fine shall not exceed a cumulative total of two hundred thousand dollars (\$200,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed six months, or by both. (Note: see N.C.G.S. 143-215.6B(f))
 - (2) Any person who knowingly and willfully violates any term, condition, or requirement of this ordinance and any person who knowingly and willfully fails to apply for or to secure a permit required by N.C.G.S. 143-215.1 shall be guilty of a Class J felony, punishable by a fine not to exceed one hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed three years, or by both. (Note: see N.C.G.S. 143-215.6B(g))
 - (3) Any person who knowingly violates any term, condition, or requirement of this ordinance and any person who knowingly fails to

apply for or to secure a permit required by N.C.G.S. 143-215.1 and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a Class H felony, punishable by a fine not to exceed two hundred fifty thousand dollars (\$250,000) per day of violation, provided that this fine shall not exceed a cumulative total of one million dollars (\$1,000,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed 10 years, or by both. (Note: see N.C.G.S. 143-215.6B(h))

(b) Penalties for Falsifying Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine not to exceed ten thousand dollars (\$10,000) or by imprisonment not to exceed six (6) months, or by both.

(c) Injunctive Relief

Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the Treatment Works Director, through the County Attorney, may petition the General Court of Justice for the issuance of a preliminary or permanent injunction, or both as may be appropriate, which restrains or compels the activities in question. In the event the Treatment Works chooses to correct the violation itself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The Treatment Works shall have such remedies for the collection of such costs as it has for the collection of other sewer service charges.

Section 4 - Other Remedies

(a) Annual Publication of Reportable Noncompliance

At least annually, the Treatment Works Director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in Significant Noncompliance, also referred to as Reportable Noncompliance in 15A NCAC 2H .0903(b)(10), with this ordinance or any order or permit issued hereunder, during the 12 month period since the previous publication.

(b) Water Supply Severance

Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and services will only reconnection, at the user's expense, after it has satisfactorily demonstrated compliance

compliance.

(c) Public Nuisance

Any violation of the prohibitions or effluent limitations or this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Treatment Works Director. Any person(s) creating a public nuisance shall be subject to the provisions of the County Ordinance governing such nuisances, including reimbursing the Treatment Works for any costs incurred in removing, abating or remedying said nuisance.

Section 5 - Upset Provision

Any discharge which experiences an upset in operations which places the dischargers in a temporary state of noncompliance with this Ordinance shall inform the Treatment Works Director thereof immediately following first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger within five (5) days. The report shall specify:

- (a) Description of the upset, the cause thereof and the upset's expected impact on the discharger's compliance status;
- (b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur;
- (c) All steps take or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified operating upset, demonstrated as required by 40 CFR 403.16(c), shall constitute an affirmative defense to any enforcement action brought by the Treatment Works Director against the discharger for any noncompliance with this Ordinance, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

ARTICLE VII - SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

ARTICLE VIII - CONCLUSION

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XI - EFFECTIVE DATE

This Ordinance shall be in full force and effect (Option A) from and after its passage, approval and publication, as provided by law. (Option B) on the 25th day of June, 1992.

INTRODUCED the 16th day of June, 1992.

FIRST READING: June 16, 1992.

SECOND READING: June 25, 1992.

PASSED this 25th day of June, 1992.

AYES: Moorefield, Massey, Aldridge, Blackwell, Jeffries, Satterfield, Taylor

NAYS: None

ABSENT: None

NOT VOTING: None

APPROVED by me this 25th day of June, 1992.

W. Conway Moorefield
Chairman, County Commissioners

ATTEST: Wendell D. Shultz (Seal) County Clerk
Published the _____ day of _____, 1992.

